



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,502	06/28/2000	Valerie Hansen	PRBU115349	8356

26389 7590 06/10/2003

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application <u>09/607502</u>	Applicant(s) <u>Hsiao</u>	
	Examiner <u>Shs</u>	Art Unit <u>3624</u>	Confirmation No.

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 3/23/03
- ☒ This action is **FINAL**. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-36 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-36 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Art Unit:3624

DETAILED ACTION

Response to Amendment

1. This action is issued in response to applicant's Amendment B(Paper #8) filed 3/23/03.
2. Claims 1-3,10-18,24-32,35-36 were amended.No claims were cancelled. None were added.
3. Claims 1-36 as amended, are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-36 are rejected under 35 USC 103(a) as unpatentable over Giovannoli(US Pat. No: 5,842,178) in view of Mandler(US Pat. No: 5,732,400) and further in view of Popolo(US Pat. No: 5,715,402).

6. As per claims 1-36 Giovannoli teaches a plurality of agents connected to a network(Abstract)(Fig 1) including a server, a buyer and a seller(Fig 1) and a method for calculating a quotation(Fig 2A) including product specification(Fig 2A) and transmitting the product specification data set to a seller(Fig 2A) and receiving responses from the vendors to provide to the buyer(Fig 2B) as well as responding to a request for quote by e-mail(Fig 3) and

Art Unit:3624

generation of the required RFQ(Fig 6)(Fig 5) using the Internet(Fig 4) including product specification, tracking numbers, quantities, vendor qualifications,dates, prices, taxes, delivery time and charges(Fig 7). Mandler teaches transmission of purchase orders and a clearinghouse response(Fig 4A-1/S12) to a buyer's risk rating(col 13 line 34-col 16 line 56) including acceptance or rejection(Fig 4A-1/S15.2) as well as renegotiation of a price due to risk based discounting(col 5 lines 6-17).Popolo teaches receiving metric data from one source(Fig 7/190) and generating a normalized price data value(col 9 lines 21-50) for a commodity having size and type parameters(Panel #1)(col 11 lines 47-60)(Panel 10)and communicating the price data value to the buyer(col 9 line 62-col 10 line 18) as well as assembling bid data including times,quantities(col 13 lines 1-17) as well as a buyer's menu(col 14 line 50-col 16 line 40).It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Giovannoli in view of Mandler to teach part of the disclosure. The motivation to combine is to teach a transactional system between sellers and buyers that are unrelated which includes a clearinghouse that makes a dynamic real time risk assessment of buyers that determines a credit line for each buyer and a risk-based discount rate for each buyer based on the buyer's risk classification as enunciated by Mandler(col 3 lines 31-47).Furthermore, it also would have been obvious to one of ordinary skill in the art at the time of the invention to combine Giovannoli in view of Mandler and further in view of Popolo to teach all of the disclosure. The motivation to combine is to teach a transactional system between sellers and buyers that are unrelated which includes a clearinghouse that makes a dynamic real time risk assessment of

Art Unit:3624

the buyers and which determines a credit line for each buyer and which may be applied to commodities trading as enunciated by Popolo(col 1 lines 46-60).

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 32-36 are also rejected under 35 USC 101 for failing to provide a concrete, useful and tangible result.

Response to Arguments

9. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the additional necessitated ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit:3624

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

June 4, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER